

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MONICA EISENSTECKEN, et al.,

Plaintiffs,

v.

TAHOE REGIONAL PLANNING  
AGENCY, et al.,

Defendants.

No. 2:20-cv-02349-TLN-CKD

ALAN MILLER,

Plaintiff,

v.

TAHOE REGIONAL PLANNING  
AGENCY,

Defendant.

No. 2:22-cv-02113-KJM-AC

**RELATED CASE ORDER**

Defendants filed a Notice of Related Cases on March 13, 2023. Examination of the above-captioned actions reveals they are not related within the meaning of Local Rule 123 (E.D. Cal. 1997). Pursuant to Local Rule 123, two actions are related when they involve the same parties and are based on the same or similar claim(s); when they involve the same transaction, property, or event; or when they “involve similar questions of fact and the same question of law

1 and their assignment to the same Judge . . . is likely to effect a substantial savings of judicial  
2 effort.” L.R. 123(a). Further,

3 [i]f the Judge to whom the action with the lower or lowest number  
4 has been assigned determines that assignment of the actions to a  
5 single Judge is likely to effect a savings of judicial effort or other  
economies, that Judge is authorized to enter an order reassigning all  
higher numbered related actions to himself or herself.

6 L.R. 123(c).

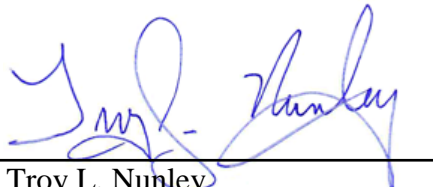
7 The Court finds the above-captioned cases are not “related” within the meaning of Local  
8 Rule 123. Put simply, the cases involve different parties (other than Defendant Tahoe Regional  
9 Planning Agency (“TRPA”)), facts, and legal issues. The *Eisenstecken* action involves TRPA’s  
10 approval of permit for a telecommunications tower at 1360 Ski Run Boulevard in South Lake  
11 Tahoe, California. Plaintiffs’ claims in *Eisenstecken* are based primarily on allegations that the  
12 Ski Run project will emit harmful radio-frequency emissions and shed faux pine needles. The  
13 scope of *Eisenstecken* ends with the March 23, 2022 denial of Plaintiffs’ appeal of approval of the  
14 project. In contrast, the *Miller* action is much narrower, as it concerns TRPA’s September 28,  
15 2022 denial of Miller’s appeal of a plan revision allowing for deeper excavation for the Ski Run  
16 project foundation. Miller’s core claim involves a single TRPA regulation of excavation depth.  
17 The scope of *Miller* is therefore limited to this plan revision, and no documents from the plan  
18 revision process will be part of the *Eisenstecken* administrative record. In sum, while the cases  
19 may have some overlap, there are significant differences such that assignment to the same judge  
20 is not warranted.

21 For these reasons, The Court declines to relate the above-captioned cases.

22 IT IS SO ORDERED.

23 **Date: March 23, 2023**

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Troy L. Nunley  
United States District Judge